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September 18, 2023

By Email and ECF

The Honorable Analisa Torres.  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl St, Courtroom 15D  
New York, NY 10007  
Torres\_NYSDChambers@nysd.uscourts.gov

Re: *John Brian Clark, et al. v. BRC Inc., et al.*, No. 1:23-cv-5340 (S.D.N.Y.)

Dear Judge Torres:

Pursuant to Rule I.C of Your Honor's Individual Practices in Civil Cases, Defendants BRC Inc. ("BRC") and Black Rifle Coffee Company, LLC (collectively, "Defendants") and Plaintiffs John Brian Clark, JBC Structured Products LLC, and Marathon Capital LLC ("Plaintiffs") write to jointly request an interim stay of this action as set forth below.

Good cause exists for the proposed stay because resolution of the action captioned *Tang Capital Partners, L.P. v. BRC Inc.*, No. 22-cv-3476 (S.D.N.Y.) (the "*Tang Action*")—a similar dispute regarding the exercise of the same BRC warrants at issue here—may streamline this litigation, thereby preserving the resources of the parties and the Court. This is the parties' first request for an interim stay.

The parties propose an interim stay subject to the following conditions:

1. All motion practice, obligation to respond to the operative complaint, and all discovery and disclosure obligations under the applicable local and federal rules in the above-captioned action are hereby stayed until the resolution of the *Tang Action*.
2. All hearings or conferences shall be postponed until after the stay is terminated.
3. Plaintiffs may lift the stay upon thirty (30) days' notice to Defendants' undersigned counsel by email (a) following any summary judgment decision in the *Tang Action*, (b) on any date nine months after the date the stay is entered, or (c) for other good cause.

Respectfully submitted,

DENIED. The Court will not grant a stay absent extraordinary circumstances. By **September 26, 2023**, the parties are instructed to file the jointly proposed Case Management Plan and Scheduling Order, as well as a joint letter setting forth whether the parties are willing to consent to the jurisdiction of the assigned Magistrate Judge. *See* ECF Nos. 9-10.

Dated: September 19, 2023  
New York, New York

  
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ANALISA TORRES  
United States District Judge